

REMARKS

The Applicant thanks the Examiner for extending the courtesy of an interview with John F. Dolan and Dr. David Masters on June 8, 2007 to discuss the above identified application and the reconsideration of the pending claims thereof. The following remarks include the issues addressed in the interview and may be considered a summary of the interview as well as a reply to the Office Action.

The Examiner has indicated that claims 50-98, 134, 153-168 are allowed. The Applicant thanks the Examiner for favorable consideration of these claims. The Examiner has rejected claims 1-49, 133, and 135-152 under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner considers the claim terms “current released” in claims 1-49, “additional interactive forces” in claims 133, 135 and 136, and “testing” in claim 135 as being vague.

The specification provides ample support for the claim term “current released.” For example, on page 52, line 4-5, the application states that “the pharmacological agent(s) are released by an electrical current or magnetic field.” In the same paragraph at lines 9-14, the application describes the controlled triggered release from a drug delivery device in which “the triggering mechanism established by the passing of electricity through the device.” The application also provides examples of how a conductive material can be included in the drug delivery device at page 52, line 20 – page 53, line 13. In addition, the application provides examples of the way in which electrical current can affect drug release, such as through effects on temperature, electrical polarization, electrostatic attraction, creation of magnetic and/or electrical fields to align polar chemicals, and cell stimulation. (p. 52, line 14 – page 53, line 19) Because the application provides ample support for the meaning of the claim limitation “current

released,” the Applicant believes that this claim term is not indefinite and requests withdrawal of this rejection.

Claims 133 and 136 have been amended to refer to intramolecular or intermolecular forces between the protein materials, the pharmacologically active agents and/or the biocompatible solvent. The specification provides a non-exclusive list of examples of intramolecular or intermolecular forces at page 15, lines 1-2 of the application. The Applicant believes that these amendments provide address the Examiner’s concerns regarding vagueness of the claims terms.

Although the Applicant does not agree with the Examiner’s statements regarding claim 135, the claim has been cancelled in order to advance prosecution. However, the Applicant reserves the right to pursue this similar claims in future continuation and/or divisional applications.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

/Mia E. Mendoza/

Mia E. Mendoza  
Registration No. 56,688

Customer No. 22859  
FREDRIKSON & BYRON, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.*

4236681\_1.DOC